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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-601*

13 **MICHAEL LEE CHAMBERS**
2420 Green Avenue
14 Port Arthur, Texas 77642

A C C U S A T I O N

15 **Registered Nurse License No. 701914**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about April 11, 2007, the Board of Registered Nursing issued Registered
24 Nurse License Number 701914 to Michael Lee Chambers (Respondent). The Registered Nurse
25 License expired on October 31, 2008, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

....

COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **CAUSE FOR DISCIPLINE**

2 **(Out of State Discipline)**

3 8. Respondent has subjected his Registered Nurse License to disciplinary action
4 under Code section 2761, subdivision (a)(4), in that his Texas registered nurse and vocational
5 nurse licenses were disciplined by the Texas Board of Nursing (Texas Board) in a disciplinary
6 action, which resulted in Respondent receiving the sanction of a WARNING WITH
7 STIPULATIONS, which shall apply to any and all future licenses issued to Respondent to
8 practice nursing in the State of Texas and to his nurse licensure compact privileges. The
9 circumstances are as follows.

10 9. On October 2, 1996, Respondent was licensed to practice vocational nursing and
11 on November 2, 1999, professional nursing in the State of Texas. Both licenses are governed by
12 the Nursing Practice Act, Texas Occupation Code (TOC) sections 301.001 *et seq.*, the Rules and
13 Regulations Relating to Nurse Education, Licensure and Practice, and title 22 Texas
14 Administrative Code (TAC) section 211.1 *et seq.*

15 10. On March 20, 2012, the Texas Board took disciplinary action against
16 Respondent's registered nurse and vocational nurse licenses by ratifying and adopting an Agreed
17 Order pursuant to TOC sections 301.451-301.555, in a matter entitled, *In the Matter of*
18 *Registered Nurse License Number 664805 & Vocational Nurse License Number 159618 issued*
19 *to MICHAEL LEE CHAMBERS*. Respondent was charged with failure to implement a full code
20 and to document his findings in the medical records that resulted in depriving a patient of an
21 attempted resuscitation in violation of TOC section 301.452, subdivision (b)(10) and subdivision
22 (b)(13), title 22 of TAC section 217.11, subdivision (1)(A), subdivision (1)(B), subdivision
23 (1)(C), subdivision (1)(D), and subdivision (1)(M), and title 22 TAC section 217.12, subdivision
24 (1)(A), subdivision (1)(B), subdivision (1)(C), and subdivision (4).

25 11. The facts that led to the charges are that on October 12, 2010, while employed as
26 an agency registered nurse with Supplemental Health Care in Houston, Texas and on assignment
27 at the University of Texas Medical Branch-Correctional Managed Care in Hightower-Dayton,
28 Texas, Respondent failed to initiate appropriate resuscitative measures, including

1 cardiopulmonary resuscitation, when notified by security that a patient was unresponsive. The
2 patient was considered a "full code" since he did not have an order from a physician for no
3 emergency resuscitative measures. Instead of initiating cardiopulmonary resuscitation and
4 implementing a full code, Respondent announced the patient deceased, his alleged finding which
5 he failed to document in the patient's medical record.

6 12. On November 14, 2011, the Texas Board considered the matter and offered
7 Respondent a sanction Order of WARNING WITH STIPULATIONS, which will extend for a
8 period of one year excluding the periods of unemployment or employment that do not require the
9 use of a registered nurse or a vocational nurse license, as follows:

10 a. Respondent may not work outside the State of Texas pursuant to a nurse
11 licensure compact privilege without the written permission of the Texas Board and the Board of
12 Nursing in the party state where Respondent wishes to work;

13 b. Respondent shall within one year of entry of the Order successfully
14 complete courses in Texas nursing jurisprudence and ethics, physical assessment, nursing
15 documentation, and Sharpening Critical Thinking Skills;

16 c. Respondent shall notify each present and future employer in nursing of the
17 Order of the Texas Board and the stipulations on Respondent's licenses; and present a complete
18 copy of the Order; and shall cause each employer to submit a Notification of Employment form,
19 any and all incident, counseling, variance, unusual occurrence, and mediation or other error
20 reports involving Respondent, and periodic reports of Respondent's capability to practice
21 nursing.

22 On February 21, 2012, Respondent signed a certification agreeing to the offered sanction
23 Order of WARNING WITH STIPULATIONS.

24 **PRAYER**

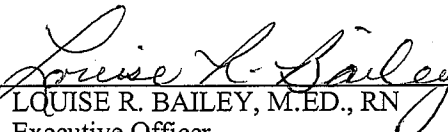
25 WHEREFORE, Complainant requests that a hearing be held on the matters herein
26 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking or suspending Registered Nurse License Number 701914, issued to
28 Michael Lee Chambers;

1 2. Ordering Michael Lee Chambers to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.
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8 DATED: JANUARY 31, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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